

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOHN MACERINO,

Plaintiff,

DECLARATION OF SERVICE
08 CV 3943 (DC)(FM)

- against -

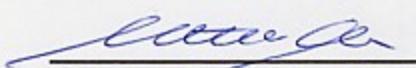
THE CITY OF NEW YORK, ET ANO,

Defendants.
-----X

STATE OF NEW YORK)
 : SS. :
COUNTY OF KINGS)

MATTHEW FLAMM, declares the following under penalty of perjury
pursuant to 28 U.S.C. §1746:

That on April 28, 2008, I served the COMPLAINT upon defendant CITY OF
NEW YORK by personally delivering a copy to 100 Church Street, New York, New
York, that being the address within the State designated for that purpose, as
evidenced by the date/time stamp appearing on the first page of the Complaint.



Matthew Flamm

JUDGE CHIN

08 CIV 3943

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN MACERINO,

Plaintiff,

COMPLAINT

-against-

THE CITY OF NEW YORK and LUIS
MACHADO, an employee of the New
York City Police Department,

Defendants.



Jury Trial Demanded

U.S.D. N.Y.
CASHIERS

JOHN MACERINO, by his attorney, Matthew Flamm, alleges the following upon information and belief as his Complaint.

Nature of the Action

1. This civil rights action arises from the October 22, 2007 assault on John Macerino in his home by a New York City Police Officer. Mr. Macerino, who was not charged or prosecuted, suffered a serious jaw fracture. Plaintiff seeks declaratory relief pursuant to 28 U.S.C. §2201, and, under 42 U.S.C. §1983, compensatory and punitive damages for violation of his civil rights.

Jurisdiction and Venue

2. This action arises under the United States Constitution and 42 U.S.C. §1983. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1331 and §1343(3).

3. Under 28 U.S.C. §1391(b) and (c), venue is proper in the Southern District of New York because defendant City of New York resides in that judicial District.

Parties

4. Plaintiff JOHN MACERINO is a citizen of the United States of America residing in the State and City of New York, County of Kings. Plaintiff

CITY OF N.Y. LAW DEPARTMENT
OFFICE OF CORP. COUNSEL
COMMUNICATIONS SECTION
APR 28 AM 11 19